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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
VALERIAN DOBRE,)
)
Defendant.)

No. CR 07-0560 JSW

STIPULATION AND [PROPOSED] ORDER
TO CONTINUE HEARING DATE AND
EXCLUDE TIME

SAN FRANCISCO VENUE

The parties in the above-titled case, including the defendant, are scheduled to appear before the Court for a status hearing on April 24, 2008 at 2:30 p.m. The parties, including the defendant, now agree and request that the hearing date be continued to May 22, 2008 at 2:30 p.m. for change of plea. The parties also agree and request that time be excluded under the Speedy Trial Act from April 24, 2008 to May 22, 2008 under 18 U.S.C. § 3161(h)(8)(A)(and (B)(i) and (iv). The requested continuance from April 24, 2008 to May 22, 2008 is necessary as defense counsel needs additional time to investigate the loss amount, and speak with the defendant, taking into account that the defendant is incarcerated and requires the assistance of a Spanish interpreter. While the defendant wishes to enter his guilty plea on May 22, 2008, he is uncertain whether he will enter an open plea or a plea pursuant to a plea agreement. The time is necessary for the defendant to research the loss

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1 amount as well as other factors, in order to determine whether it is in his best interest to enter into
2 a plea agreement or enter an open plea. Furthermore, government counsel will be on vacation and
3 otherwise unavailable to appear in Court or work on the case from May 7, 2008 to May 14, 2008.
4 See 18 U.S.C. § 3161(h)(8)(B)(iv). Thus, the parties agree that the failure to grant a continuance
5 would unreasonable deny counsel for the defense and government the reasonable time necessary for
6 effective preparation, taking into account the exercise of due diligence, and failure to grant such a
7 continuance would result in a miscarriage of justice. See 18 U.S.C. § 3161(h)(8)(B)(i) and (iv).
8 Finally, the parties agree that the ends of justice served by excluding the period from April 24, 2008
9 to May 22, 2008, outweigh the best interest of the public and the defendant in a speedy trial. See 18
10 U.S.C. § 3161(h)(A). **IT IS SO STIPULATED.**

11 DATED: April 21, 2008

12 _____/s/
13 CHRISTINA HUA
14 Assistant United States Attorney

15 DATED: April 21, 2008

16 _____/s/
17 ERIC MATTHEW HAIRSTON
18 Attorney for Defendant Valerian Dobre

19 **IT IS SO ORDERED.** For all the reasons set forth above and in the government's letter dated
20 April 21, 2008, the time from April 24, 2008 to May 22, 2008 shall be excluded from Speedy Trial
21 Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(i) and (iv), as the ends of justice outweigh
22 the interest of the public and the Defendant in a speedy trial.

23 DATED: _____

24 _____
25 JEFFREY S. WHITE
26 United States District Judge
27
28